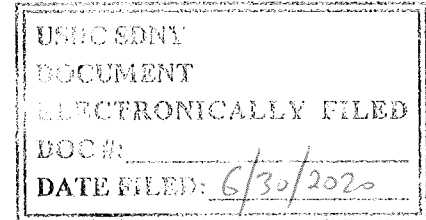


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 MANDY POULIN, as Executrix of the Estate of :  
 KURT HIEBAUM, and MANDY POULIN, :  
 Individually, :

Plaintiffs, :

v. :

UNITED STATES OF AMERICA, :  
 Defendant. :

**ORDER**

19 CV 10959 (VB)

20 CV 3758 (VB)

-----X  
 On November 26, 2019, plaintiffs commenced an action against defendant in this Court.

(See 19 CV 10959 (VB) (the “First Action”)). In the First Action, plaintiffs alleged three causes of action (personal injury, lack of informed consent, and loss of services) against defendant in connection with defendant’s medical treatment of Kurt Hiebaum. On May 11, 2020, defendant answered the complaint in the First Action.

On May 15, 2020—four days after defendant filed its answer in the First Action—plaintiffs commenced a second action against defendant, which includes an additional cause of action against defendant for wrongful death, but in all other respects is duplicative of the First Action. (See 20 CV 3758 (the “Second Action”)).

On June 25, 2020, the Court conducted an initial conference in the First Action, at which counsel for all parties appeared by telephone. During the conference, the parties confirmed the Second Action is duplicative of the First Action, and that following plaintiffs’ filing of an amended complaint in the First Action, the Second Action should be dismissed without prejudice. Accordingly, the Court informed the parties, both during the conference and by subsequent Order, that after plaintiffs filed an amended complaint in the First Action, the Court would dismiss without prejudice the Second Action. (See 19 CV 10959 Doc. #27).

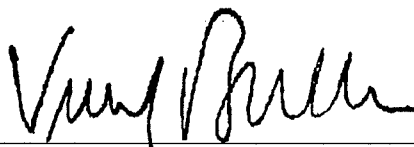
On June 29, 2020, plaintiffs filed an amended complaint in the First Action.

Accordingly, it is HEREBY ORDERED:

1. The Second Action (20 CV 3758) is DISMISSED WITHOUT PREJUDICE.
2. The Clerk is instructed to close the Second Action (20 CV 3758).
3. The Clerk is further instructed to terminate as moot the letter-motion, filed in the First Action, to consolidate the two cases. (19 CV 10959 Doc. #25).
4. The Clerk is also instructed to docket this Order in both cases. (19 CV 10959 and 20 CV 3758).

Dated: June 30, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge